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DD/S 73-0698
73-927
U.S. House of Representatives
COMMITTEE ON ARMED SERVICES
Washington, D.C. 20515

NINETY-THIRD CONGRESS
F. EDWARD HEBERT, CHAIRMAN

February 20, 1973

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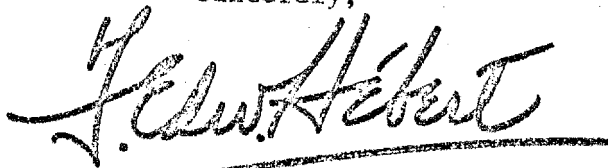
FRANK M. SLATINSHEK, CHIEF COUNSEL
ONETA L. STOCKSTILL, EXECUTIVE SECRETARY

Honorable James R. Schlesinger
Director, Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Schlesinger:

The views and recommendations of the Central
Intelligence Agency are respectfully requested on H.R. 4294,
copies of which are enclosed.

Sincerely,



F. Edw. Hebert
Chairman

Enclosures

FEH:ej

BEST COPY

AVAILABLE

93d CONGRESS
1ST SESSION

H. R. 4294

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1973

Mr. RONCALLO of New York introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide that members of the Armed Forces and Federal employees who were prisoners of war or missing in action for any period during the Vietnam conflict may receive double credit for such period for retirement purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "War Prisoners Retirement Benefits Act of 1973".

SEC. 2. (a) The Congress finds that—

(1) United States military and civilian government employees who have been held prisoner or who have been missing in action in Southeast Asia have suffered greatly due to their confinement or missing status;

1 (2) the families of such persons have similarly suf-
2 fered greatly due to their separation from their loved
3 ones and anxiety about the status and health of such
4 persons;

5 (3) such persons were captured or missing while in
6 the loyal service of their country;

7 (4) it is in the public interest that such persons be
8 permitted to retire early from the service of their coun-
9 try to be rejoined with their families and seek such pur-
10 suits as they deem fit.

11 (b) It is therefore the purpose of this Act to provide
12 that such persons may elect to receive double credit for
13 retirement purposes for the period of confinement or missing
14 status.

15 SEC. 3. Section 1405 of title 10, United States Code, is
16 amended by inserting "(a)" immediately before the word
17 "For" at the beginning of such section and by adding at
18 the end thereof a new subsection as follows:

19 "(b) (1) Notwithstanding any other provision of law,
20 in determining his eligibility for retirement from the armed
21 forces and in computing the amount of his retired pay, a
22 member or former member of the armed forces shall be
23 credited with a period of service equal to any period of time

1. credited under this subsection shall be in addition to credit
2. for such period of time allowed for such purposes under any
3. other provision of law.

4. “(2) A member may elect to be credited with all or
5. any portion of the period referred to in paragraph (1), but
6. such election must be made within two years after his return
7. to the jurisdiction of the United States following the ter-
8. mination of his missing status. If a member fails to make an
9. election in accordance with regulations prescribed by the
10. Secretary concerned within such two-year period, he shall
11. be deemed to have elected to have none of such period
12. credited to him.

13. “(3) As used in this subsection, the term ‘Vietnam
14. conflict’ means the period beginning February 28, 1961, and
15. ending on such date as shall thereafter be determined by
16. Presidential proclamation or concurrent resolution of the
17. Congress.”

18. SEC. 4. Section 853 of the Foreign Service Act of 1946
19. (22 U.S.C. 1093) is amended by inserting “(1)” immedi-
20. ately after “SEC. 853.” and by adding at the end thereof
21. the following new paragraph:

22. “(2) (A) In computing the length of service of any
23. participant for the purpose of retirement, each day such
24. participant is in a missing status (as defined by section

1 "duty" or "temporary duty" in Vietnam, Laos, Cambodia, or
2 Thailand during the Vietnam conflict (as defined in section
3 5 (i) (1) (A) of the War Claims Act of 1948, 50 U.S.C.
4 App. 2004 (i) (1) (A)) shall be counted as two days.
5 (B) "A participant may elect to be credited with all
6 or any portion of the additional credit provided for in para-
7 graph (1), but such election must be made within two years
8 after his return to the jurisdiction of the United States follow-
9 ing the termination of his missing status. If a participant
10 fails to make an election in accordance with regulations pre-
11 scribed by the Secretary of State within such two-year period,
12 he shall be deemed to have elected to have none of such
13 additional credit."

14 SEC. 5. Section 8332 of title 5, United States Code, is
15 amended by adding at the end thereof a new subsection as
16 follows:

17 " (1) (1) Notwithstanding any other provision of law,
18 an employee shall, if he so elects, be given civilian service
19 credit for a period of time equal to any period of time during
20 the Vietnam conflict he was in a missing status within the
21 meaning of section 5561 of this title, and any such period
22 of time credited under this subsection shall be in addition to
23 credit for such period of time allowed under any other
24 provision of this subchapter.

50

1 "section shall be credited, and the annuity of such employee
2 shall be computed, without regard to sections 8334 (c) and
3 8339 (1) of this title." (3) An employee may elect to be credited with all
4 or any portion of the period referred to in paragraph (1),
5 but such election must be made within two years after his
6 return to the jurisdiction of the United States following the
7 termination of his missing status. If an employee fails to
8 make an election in accordance with regulations prescribed
9 by the Civil Service Commission within such two-year
10 period, he shall be deemed to have elected to have none of
11 such period credited to him.

12 " (4) For the purpose of this subsection, 'Vietnam con-
13 flict' means the period beginning February 28, 1961, and
14 ending on such date as shall thereafter be determined by
15 Presidential proclamation or concurrent resolution of the
16 Congress."

17 "SEC. 6. Section 251 of the Central Intelligence Agency
18 Retirement Act of 1964 for Certain Employees (50 U.S.C.
19 403 (f) note) is amended by inserting "(a)" immediately
20 after "SEC. 251." and by adding at the end thereof the fol-
21 lowing new subsection:

22 " (b) (1) In computing the length of service of any par-
23 ticipant for the purpose of retirement, each day such partici-

6

1 of title 5, United States Code) from his post of duty in Viet-
 2 nam, Laos, Cambodia, or Thailand during the Vietnam
 3 conflict (as defined in section 5 (i) (1) (A) of the War
 4 Claims Act of 1948, 50 U.S.C. App. 2004 (i) (1) (A)):
 5 (shall be counted as two days. (2) A participant may elect to be credited with all or
 6 any portion of the additional credit provided for in para-
 7 graph (1), but such election must be made within two years
 8 after his return to the jurisdiction of the United States
 9 following the termination of his missing status. If a par-
 10 ticipant fails to make an election in accordance with regula-
 11 tions prescribed by the Director within such two-year period,
 12 he shall be deemed to have elected to have none of such addi-
 13 tional credit.”

14 SEC. 7. In computing the two-year period referred to in
 15 section 1405 (b) (2) of title 10, United States Code, as
 16 added by section 3 of this Act, the two-year period referred
 17 to in section 853 (2) of the Foreign Service Act of 1946,
 18 as added by section 4 of this Act, the two-year period
 19 referred to in section 8332 (1) (3) of title 5, United States
 20 Code, as added by section 5 of this Act, or the two-year
 21 period referred to in section 251 (b) (2) of the Central In-
 22 telligence Agency Retirement Act of 1964 for Certain Em-

7

- 1 ployees, as added by section 6 of this Act, such period shall
- 2 not begin to run until the date of enactment of this Act
- 3 in the case of any person whose missing status was termi-
- 4 nated before such date of enactment.

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STATINTL

[REDACTED]

FYI

(RSW's note)

REGISTRY

A handwritten signature, possibly reading 'R', is written in ink at the bottom center of the page.

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SUBJECT: (Optional)

H. R. 4294: War Prisoners Retirement Benefits Act of 1973

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Director of Personnel
5E-56 Hqs.

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6825

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28 FEB 1973

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy Director for Support
7D-26 Hqs.

28 FEB 1973

2.

3. Office of Legislative Counsel
7D-35 Hqs.

4. Attn: [REDACTED]

5.

6.

7.

8.

9.

10.

11.

12.

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14.

15.

I interpose no objection to the proposal in H. R. 4294. You might want to know that we have checked with the Director, Bureau of Retirement and Insurance, concerning his views on this proposal. He indicated that, historically, the Bureau has opposed double credit proposals and that he would, therefore, oppose this proposal. He believes that it would establish a dangerous precedent for the future.

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Remarks:

May we have your views on this so that we may prepare an appropriate report for the Director's signature. A copy has also been sent to OGC.

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

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OLC 7D35 x6136 22 Feb 73

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